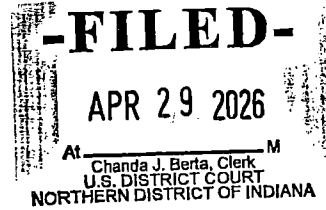


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION



TYLER RAY SCHRIBER,
Plaintiff,

v.

DEPUTY ALEX SLIGER, DEPUTY AUSTIN FARRELL, DEPUTY NICOLE DORNON,
SERGEANT ROBERT LOOP, INVESTIGATOR JEFFREY CLARK, and
SHERIFF ROBERT GOLDSMITH,
Defendants.

Cause No. 2:25-cv-00532-PPS-AZ

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' RENEWED
MOTION TO DISMISS THE AMENDED COMPLAINT**

I. The renewed motion should be denied because Defendants try to use probable cause their own tactics and paperwork allegedly created.

Plaintiff Tyler Ray Schriber respectfully opposes Defendants' renewed motion.

The motion depends on a cleaned-up sequence: officers went to a house, saw a fleeing suspect, used force, and later had probable cause. But the First Amended Complaint pleads a different sequence. Before anything escalated, the front-door information weakened the premise for escalation. Deputy Farrell wrote that Scott stated no one else was home, that Austin had been there earlier but was told to leave, and that Scott did not know who Tanner was. Police Report at 18; FAC ¶¶ 37-41.

That should matter at Rule 12. The case does not begin with Plaintiff running. It begins with a predawn, dark, hard-rain operation at a third-party home, with

A handwritten signature in cursive script, appearing to read 'Tyler Ray Schriber'.

officers choosing the front-and-rear configuration and Sliger choosing a rear-fence K9 position. Plaintiff alleges he was already moving out through the gate area when Sliger emerged from that tactical position with an overwhelming police/K9 confrontation. FAC ¶¶ 15-36, 42-49. Defendants cannot create the conditions for a freeze-or-flight reaction and then use the product of those chosen conditions as the probable cause that ends the case.

This is the central Rule 12 problem. Defendants ask the Court to treat Plaintiff's reaction as an independent cleansing fact. But Plaintiff alleges that the reaction was produced by the very conduct being challenged: a mistaken-identity home operation, a rear-curtilage K9 posture, an overwhelming sudden confrontation, and then report-driven hardening of the event into resisting. Rule 12 does not permit dismissal by starting after the challenged conduct has already done its work.

II. Sliger's clothing-discount explanation exposes the identification problem; it does not cure it.

The cleanest example is Sliger's own clothing-discount explanation. In his supplement, Sliger wrote that he had lost visual contact briefly on the initial male, saw "another male attempting to hop the fence," was unsure whether this was the same male or Tanner, could see only the back of the male, and then wrote: "I knew that Tanner had changed clothes multiple times since the original

John Sliger

crime was committed, so the clothing description was not something I took into account." Police Report at 20-21; FAC ¶¶ 42-49.

That explanation makes the identification problem worse. Once Sliger claimed he lost visual and then saw another male, clothing became one of the few objective ways to determine whether he was seeing the same person he had just seen or a different person who could be Tanner. The issue was not whether Tanner had changed clothes earlier in the night. The issue was whether the person Sliger was then pursuing matched the person he had just seen in the backyard.

By discounting clothing at precisely the moment clothing mattered most, Sliger made the identification standard elastic enough to preserve the Tanner premise after the facts had begun to undermine it. If distinctive clothing connected the second observation to the first unknown male, then the second observation did not create a fresh Tanner possibility; it pointed toward continuity with the same non-identified person. At minimum, that is a reasonable inference from the report itself, and Rule 12 does not allow Defendants to resolve that inference in Sliger's favor.

This is why the report cannot be treated as self-clearing. Farrell's front-door information had already weakened the target premise. Sliger then relied on a tactical rear position and a back-view observation in darkness and rain. When



the available objective check - clothing - mattered most, Sliger discarded it. That is not a reason to dismiss. It is a reason to deny dismissal and permit discovery.

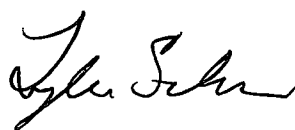
III. The force and seizure counts survive because the pleaded sequence is tactical creation, reaction, and paper hardening - not clean probable cause.

Counts I, II, and III survive for the same reason. Defendants want the Court to isolate Plaintiff's movement and call it flight from lawful police authority.

Plaintiff pleads that the movement was caused by an overwhelming police/K9 emergence from a rear tactical position during a mistaken-identity operation at his home. FAC ¶¶ 15-69. That difference is dispositive at the pleading stage.

A person does not create probable cause against himself merely by reacting to conditions officers allegedly created unlawfully or unreasonably. If the Court accepts Plaintiff's pleaded sequence, the question is not whether officers may respond to ordinary flight during an ordinary lawful encounter. The question is whether Defendants may manufacture the panic conditions, disregard the weakening Tanner premise, discount an objective clothing check, and then use the resulting reaction as the probable cause that defeats the case. They may not obtain dismissal on that reconstruction.

The K9-force allegations are likewise not reducible to ordinary flight. The FAC alleges a collapsing mistaken-identity sequence, real-time corrections that the subject was not Tanner, and an intervening K9 control moment before the dog



was used against Plaintiff. FAC ¶¶ 50-69. Those facts make objective reasonableness and realistic opportunity to intervene fact questions, not Rule 12 defenses.

IV. Count IV survives because the later affidavit adopted the defect instead of curing it.

Count IV is not a replay of the arrest theory. It rises or falls on what the later probable-cause affidavit did. Clark did not write an independent factual narrative reconciling the front-door information, Sliger's clothing-discount problem, the identity uncertainty, the K9 sequence, or the report-review defects. Instead, Clark swore that he examined the reports and treated them as credible because they were officer reports made in the course of law-enforcement duties. FAC ¶¶ 84-95, 118-126; Probable Cause Affidavit at 1.

That matters because the affidavit moved the same unstable packet into sworn prosecutor-facing use. If the underlying file was already infected by elastic identification logic and review in name only, the affidavit did not cure the defect. It transmitted it. Defendants therefore cannot use the later affidavit as a clean break from the earlier sequence when Plaintiff plausibly alleges that the affidavit depended on the same unreconciled file.

V. Count V survives because the FAC pleads review in name only, not respondeat superior.



Plaintiff's Monell theory is not that several deputies made mistakes and therefore the Sheriff is automatically liable. The theory is that the office process allegedly allowed visible defects to be signed, reviewed, forwarded, and later adopted without meaningful reconciliation. FAC ¶¶ 127-152. That is a mechanism, not a slogan.

Loop is the clean example. Loop's supplement does more than summarize events. It supports Sliger's rear position by stating that Sliger went to the back with his K9 while Loop, Dornon, and Farrell went to the front, and it adds that Scott said Tanner and Austin had been hanging out by the truck by the garage earlier. Police Report at 17. But the same supplement also records Farrell saying multiple times, "Its Austin, its Austin," indicating that the subject was not Tanner. Id. The report then shows "Signed: Sergeant R. Loop #7912" and "Reviewed: Sergeant R. Loop #7912." Id.

That is the review problem in miniature. A supervisor-authored supplement helped justify the rear/garage premise, recorded the not-Tanner correction, and then was signed and reviewed by the same supervisor. The point is not that the Court must decide now why that happened. The point is that the file plausibly shows review as a label rather than a meaningful safeguard.

The same review-in-name-only inference is reinforced by prosecutor-forwarding labels, administrative review markers, BWC-dependent sequencing, and the later



generic affidavit. FAC ¶¶ 70-83, 127-152. Review is supposed to compare, reconcile, and correct before forwarding. Plaintiff plausibly alleges that this process instead preserved the Tanner premise, forwarded the packet, and allowed the paper version to become the probable-cause version.

VI. Martin and Defendants' authorities support denial because this is a fact-bound force/report-integrity dispute, not a pleading-stage shortcut.

Defendants' cited authorities do not authorize the Court to cut an integrated complaint into fragments, credit only the fragments that favor Defendants, and dismiss the rest as argument. Nor do judicial-notice principles permit Defendants to use incorporated records as a one-way ratchet: accepted when they help Defendants, ignored when they show instability in Defendants' own narrative. Martin matters here in a controlled but important way. Plaintiff does not cite Martin to argue that the facts are identical or that Martin automatically proves liability. Plaintiff cites Martin because the Seventh Circuit has already treated force, report-integrity, and Sheriff Goldsmith integrity disputes as fact-bound matters not automatically resolved at the pleading stage. The lesson is procedural: where the pleaded facts and incorporated records make the force narrative unstable, qualified immunity cannot be granted by selecting the officer-friendly reconstruction and calling the right insufficiently particularized.



Defendants invoke Martin as if it makes Sheriff Goldsmith an institutional corrector of force-related reporting problems. It does not. At most, Martin is a reason to refuse to accept integrity as a self-proving label. The same defendant cannot benefit from pleading-stage discipline when it helps him, invoke institutional integrity when it suits him, and then demand a harsher plausibility lens here where Plaintiff alleges visible review failure in the file itself.

VII. Qualified immunity does not justify dismissal because Defendants' immunity theory depends on the probable-cause story their own process created.

Qualified immunity may be raised at the pleading stage, but it cannot be granted by describing the facts at a high level of generality while stripping away the features that make the case difficult. Defendants say only: dangerous fugitive search, darkness, flight, quick decision. The FAC alleges something materially different: a wrong-person home operation, stale and fractured target information, uncertain identification, real-time not-Tanner corrections, an intervening K9 control moment, and later report-driven hardening of the same unstable event.

That is the probable-cause problem. Defendants rely on Plaintiff's alleged flight as if it were an independent cleansing fact. But Plaintiff alleges Defendants created the conditions they now use as probable cause: a predawn stealth posture at a third-party home, a sudden armed rear-yard confrontation, a target premise



already weakened by the porch information, and then a report-and-forward process that converted the induced reaction into a clean resisting narrative. The law does not require the Court to accept that paper hardening at Rule 12.

Martin sharpens rather than weakens that point. It shows that this Circuit does not treat fact-bound force/report-integrity disputes involving this Sheriff's administration as automatic pleading-stage wipeouts. Here, the FAC and incorporated records plausibly allege that the very thing Defendants call probable cause was produced by the challenged conduct and then preserved through review in name only. Qualified immunity does not authorize dismissal by narrative selection. At this stage, Plaintiff's pleaded sequence controls, and the incorporated file supplies enough instability to make Defendants' preferred version a discovery question, not a dismissal ground.

VIII. The remaining counts and leave-to-amend request should be preserved.

The state-law battery and trespass counts survive because Defendants' immunity arguments depend on the same reconstructed merits assumptions. If the FAC plausibly alleges an unreasonable home-centered operation, unreasonable K9 force, and detention flowing from an unstable identity premise, those state-law defenses should not be resolved on Defendants' preferred version of the facts. If the Court concludes that any count requires more factual specificity, Plaintiff respectfully requests leave to amend rather than dismissal with prejudice. The



factual picture is concrete, the theories are coherent, and any perceived defect would be curable by more detailed pleading from the same reports and records already before the Court.

CONCLUSION

Defendants' renewed motion should be denied. This case is not about ordinary flight from clearly identified officers. It is about a wrong-person, home-centered operation in which the front-door information weakened the target premise before escalation; Sliger's own report discounted the very clothing evidence that should have tested whether he was seeing the same person; the tactical confrontation allegedly produced the reaction later used as probable cause; and the office review process allegedly signed, reviewed, forwarded, and adopted the resulting packet without meaningful reconciliation.

Review is supposed to mean review. It is supposed to mean comparison, reconciliation, and correction before forwarding. The FAC plausibly alleges the opposite. Particularly at Rule 12, the Court should not treat the label 'reviewed' as more important than whether review actually occurred. The renewed motion should be denied in full.

Respectfully submitted,
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X. 

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7/29/26

X. J. Smith